

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

United States of America, ) CRIMINAL NO. 3:08-485-CMC  
                                )  
                                )  
v. ) **OPINION and ORDER**  
                                )  
                                )  
Malik X. Shakur, )  
                                )  
                                )  
Defendant. )  
\_\_\_\_\_ )

This matter is before the court on Defendant's motion for relief from judgment pursuant to Rule 60(b). ECF No. 231 (filed Jan. 31, 2013). Defendant contends this motion is not a second or successive motion for relief under § 2255 as he argues "that this court's prior ruling granting summary judgment without an evidentiary hearing was in error." Mot. at 5.

On November 29, 2011, summary judgment was granted to the Government, and Defendant's motion for relief under § 2255 was dismissed with prejudice. On December 16, 2011, Defendant filed a motion for reconsideration, to which the Government responded in opposition. On May 29, 2012, the court adopted the reasoning of the Government's response and denied Defendant's motion for reconsideration. *See Order and Opinion* (ECF No. 223, filed May 29, 2012). Defendant thereafter appealed to the Fourth Circuit Court of Appeals. On October 12, 2012, the Fourth Circuit Court of Appeals, in an unpublished per curiam opinion, denied a certificate of appealability and dismissed Defendant's appeal. *See United States v. Shakur*, No. 12-6988 (filed Oct. 12, 2012).

Defendant's continued disagreement with this court's previous ruling is not a proper motion for reconsideration, particularly in light of the fact that Defendant filed an appeal of the court's previous orders and was denied relief. Accordingly, to the extent Defendant's motion for

reconsideration is properly before this court, it is **denied**.<sup>1</sup>

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie

CAMERON McGOWAN CURRIE

UNITED STATES DISTRICT JUDGE

Columbia, South Carolina

February 6, 2013

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<sup>1</sup>Defendant also argues that the Government committed “fraud” on the court by not serving him with a copy of its response in opposition to Defendant’s motion for reconsideration. Mot. at 7. The Government’s Response is accompanied by a certificate of service evidencing service of the Response on Defendant. See ECF No. 222 at 13). Additionally, the court notes that nowhere in Defendant’s filings with the Fourth Circuit Court of Appeal in Appeal Number 12-6988 does Defendant contend he was not served with a copy of the Government’s Response. See *United States v. Parker*, 956 F.2d 169, 171 (8th Cir. 1992) (district court may take judicial notice of a prior related proceeding); *Colonial Penn Ins. Co. v. Coil*, 887 F.2d 1236, 1239 (4th Cir. 1989) (“We note that ‘the most frequent use of judicial notice is in noticing the content of court records.’”).